

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

|                                   |   |                                   |
|-----------------------------------|---|-----------------------------------|
| Belinda Diane Brown,              | ) |                                   |
|                                   | ) |                                   |
| Plaintiff,                        | ) | Civil Action No. 8:20-cv-1159-TMC |
|                                   | ) |                                   |
| vs.                               | ) |                                   |
|                                   | ) |                                   |
| SC Department of Corrections, Ms. | ) | <b>ORDER</b>                      |
| Lee, Case Managers at Leath       | ) |                                   |
| Correctional Inst.,               | ) |                                   |
|                                   | ) |                                   |
| Defendants.                       | ) |                                   |
|                                   | ) |                                   |

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Plaintiff Belinda Diane Brown, a state prisoner proceeding *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983. (ECF No. 1). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), this matter was referred to a magistrate judge for all pretrial proceedings. On April 7, 2020, the magistrate judge entered a proper form order directing Plaintiff to notify the Clerk’s Office if her address changed. (ECF No. 11). On the same day, the magistrate judge also issued an order noting that Plaintiff’s complaint was subject to summary dismissal because the Defendants are not subject to suit under § 1983 and the allegations failed to state a claim for relief. (ECF No. 12 at 6–10). Accordingly, the magistrate judge granted Plaintiff an additional twenty-one days to file an amended complaint, curing the deficiencies in her allegations. *Id.* at 10–11. Additionally, the order warned Plaintiff that if she failed to file an amended complaint and cure the deficiencies identified in the order, her case may be subject to dismissal with prejudice. *Id.* at 11. Despite the magistrate judge’s warning and the additional time granted, Plaintiff has not filed an amended complaint, nor has she responded to the court’s order at all.

Now before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that the court summarily dismiss this action with prejudice and without issuance and service of process for the same reasons identified in the April 7, 2020 order. (ECF No. 16). The Report was mailed to Plaintiff at the address she provided the court and has not been returned as undeliverable. (ECF No. 17). Therefore, Plaintiff is presumed to have received the Report. Plaintiff was advised of her right to file specific objections to the Report, (ECF No. 16 at 12), but failed to do so. The time for Plaintiff to object to the Report has now expired, and this matter is ripe for review.

The magistrate judge's recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). Nevertheless, "[t]he district court is only required to review *de novo* those portions of the report to which specific objections have been made, and need not conduct *de novo* review 'when a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate judge's proposed findings and recommendations.'" *Farmer v. McBride*, 177 Fed. App'x 327, 330–31 (4th Cir. April 26, 2006) (quoting *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982)). The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). However, "[i]n the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation." *White v. Stacher*, C/A No. 6-05-1737-GRA-WMC, 2005 WL 8163324, at \*1 (D.S.C. Aug. 29, 2005) (citing *Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983)).

Thus, having reviewed the Report and finding no clear error, the court agrees with, and wholly adopts, the magistrate judge's findings and recommendations in the Report (ECF No. 16),

which is incorporated herein by reference. Therefore, this case is **DISMISSED with prejudice**<sup>1</sup> and without issuance and service of process.

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

Anderson, South Carolina  
June 4, 2020

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

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<sup>1</sup> The magistrate judge's order, entered on April 7, 2020, informed Plaintiff that her Complaint was subject to summary dismissal because each of the defendants is immune from suit and the allegations fail to state a cognizable cause of action. (ECF No. 12). The order also warned Plaintiff that failure to file an amended complaint curing these deficiencies may result in dismissal without leave later amend the complaint. *Id.* at 11. Nevertheless, Plaintiff failed to respond to the court's order or file an amended complaint.